

REMARKS

Summary of Office Action

Claims 1-101, 109-116, 121-137, 148-182, and 194-215 have previously been canceled. Claims 102, 117, 120, and 138 have been amended. Claims 103-108, 118, 119, 139-147, 183-193, and 216-226 are also currently pending in the above-identified patent application. No new subject matter has been added as a result of the amendments to the claims.

The Examiner has provisionally rejected claims 102-108, 117-120, 138-147, 183-193, and 216-226 for obviousness-type double-patenting over claims 113-125 and 183-204 of co-pending U.S. Patent Application No. 10/385,386 (hereinafter "the '386 application").

Claims 102-107 and 119 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fueki et al. U.S. Patent 5,144,142 (hereinafter "Fueki").

Claim 108 has been rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Fueki.

Claim 183 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fueki.

Claims 117, 118, 120, 138-147, 184-193, and 216-226 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reconsideration and allowance of this application in light of the following remarks is hereby respectfully requested.

Reply to the Double-Patenting Rejection

Although applicant respectfully disagrees with the Examiner's reasoning for propounding this rejection (especially the Examiner's assertion on page 3, line 13 through page 4, line 2 of the Office Action that "[a]pplicant has not particularly defined 'elastic integrated circuit' in the specification"), applicant is submitting concurrently herewith a Terminal Disclaimer Under 37 C.F.R. §§ 1.321(b,c), disclaiming the terminal portion of the term of any patent to be issued on the present application, Application No. 10/766,629, which would extend beyond the expiration date of the full statutory term of any patent to be issued on U.S. Patent Application No. 10/385,386. Accordingly, the Examiner's double-patenting rejection of claims 102-108, 117-120, 138-147, 183-193, and 216-226 is respectfully traversed, and applicant respectfully submits that the double-patenting rejection should be withdrawn.

The Director is hereby authorized to charge \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.20(d), and any additional fee that may be due, in connection with the Terminal Disclaimer, to Deposit Account No. 06-1075 (order no. 001202.0111). A duplicate copy of this paper is enclosed.

The Rejections Based on 35 U.S.C. § 102

The Examiner rejected claims 102-108 and 119 under 35 U.S.C. § 102(e) as being anticipated by Fueki.

Applicant's amended independent claim 102 defines "an elastic integrated circuit having at least one dielectric layer with a tensile stress." On page 6, lines 13-16 of the Office Action, the Examiner states that Fueki discloses "an elastic integrated circuit," by merely asserting that the term "elastic" can be inferred to be an "inherent characteristic of dielectric parts," (see, Office Action, page 6, line 14). Applicant respectfully disagrees.

Nowhere does Fueki show or suggest "an elastic dielectric circuit," let alone "an elastic integrated circuit having at least one dielectric layer with a tensile stress," as required by applicant's amended independent claim 102. Thus, for at least the above reasons, applicant's amended independent claim 102 is allowable over Fueki. Applicant respectfully requests, therefore, that the rejection under 35 U.S.C. § 102(e) of claim 120, and any claims dependent therefrom, including claims 103-108 and 119, be withdrawn.

The Rejections Based on 35 U.S.C. § 103

Claims 108 and 183 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fueki.

As applicant has pointed out above, amended independent claim 102 is patentable over Fueki. For at least the foregoing reasons, claims 108 and 183, each of which depends from claim 102, is patentable over Fueki. As such, applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of claims 108 and 183 be withdrawn.

The Objections to the Claims

The Examiner stated on page 9, lines 1-5 of the Office Action that each of claims 117, 118, 120, 138-147, 184-193, and 216-226 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claims 117, 118, 184, and 186-193

Applicant has amended claim 117 to be in independent form including all of the limitations of its base claim 102 and any intervening claims. Therefore, applicant respectfully submits that independent claim 117, and any claims that depend therefrom, including claims 118, 184, and 186-193, are in condition for allowance.

Claims 120 and 185

Applicant has amended claim 120 to be in independent form including all of the limitations of its base claim 102 and any intervening claims, including claim 119. Therefore, applicant respectfully submits that independent claim 120, and any claims that depend therefrom, including claim 185, are in condition for allowance.

Claims 138-147 and 216-226

Applicant has amended claim 138 to be in independent form including all of the limitations of its base claim 102 and any intervening claims. Therefore, applicant respectfully submits that independent claim 138, and any claims that depend therefrom, including claims 139-147 and 2126-226, are in condition for allowance.

As such, applicant respectfully requests that the objection of claims 117, 118, 120, 138-147, 184-193, and 216-226 be withdrawn.

Conclusion

The foregoing demonstrates that claims 102-108, 117-120, 138-147, 183-193, and 216-226 are allowable. This application is therefore in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,



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